

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Marcus A Harvey-Bey**
Docket No. **284502**
L.C. No. **90-004921**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal is DISMISSED. Defendant cannot appeal the denial of a successive motion for relief from judgment. See MCR 6.502(G)(1). Defendant has filed numerous motions for relief from judgment and related appeals. See Nos. 226504, 253736, and 278524. Regardless of the title placed on the motion in this appeal, it sought a change in the judgment of sentence and that can only be accomplished by a motion for relief from judgment. See MCR 6.501. The title of the motion is not controlling. See *People v Mehall*, 454 Mich 1 (1997).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 16 2008

Date

Sandra Schultz Mengel
Chief Clerk